



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

Office of the Inspector General, Petitioner

vs.

DECISION
Case #: FOF - 159065

██████████ Respondent

The Office of the Inspector General requested a hearing under 7 C.F.R. §273.16, seeking a FoodShare Intentional Program Violation determination against ██████████ and requesting that a one year disqualification penalty be imposed for providing false information concerning her son's residence.

Prior to the scheduled hearing, the respondent signed a waiver of her right to a hearing. Therefore, the agency may impose the requested sanction.

I note, however, that the Waiver of Administrative Disqualification Hearing form does not comply with 7 C.F.R. §273.16 (f)(1)(ii)(A), which requires the written notification of the ability to waive the right to a hearing, to include, "the date that the signed waiver must be received by the State agency to avoid the holding of a hearing..." The Waiver Form signed by Ms. ██████████ does not list a date certain and only states that, "this waiver must be returned to the local agency listed below by : ASAP."

If Ms. ██████████ did not intend to waive her right to a hearing under these circumstances, she must follow the appeal instructions below.

NOW, THEREFORE, it is

ORDERED

That the respondent, ██████████ is hereby ineligible to participate in the FoodShare program for a period of one year, effective the first month following the date of receipt of this decision.

APPEAL TO COURT

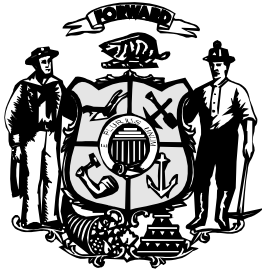
You may appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, WI 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing request (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee, Wisconsin, this 8th day of August, 2014.

sMayumi Ishii
Administrative Law Judge
Division of Hearings and Appeals

- c: Office of the Inspector General - email
- Public Assistance Collection Unit - email
- Division of Health Care Access and Accountability - email
- Megan Ryan - email



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on August 8, 2014.

Office of the Inspector General
Public Assistance Collection Unit
Division of Health Care Access and Accountability
megan.ryan@wisconsin.gov